

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JUAN CORREA-GUTIERREZ,

Defendant.

8:08CR267

ORDER

This matter is before the court on the motion for an extension of time by defendant Juan Correa-Gutierrez (Correa-Gutierrez) (Filing No. 36). The court held a hearing on the motion on October 17, 2008. Correa-Gutierrez was present with his counsel, April O'Loughlin and Ann Addison-Wageman. The United States was represented by Assistant U.S. Attorney Robert C. Sigler. Laura Garcia-Hein served as an interpreter in the Spanish language. Following a discussion with counsel, the motion will be granted. Correa-Gutierrez stated he consented to the motion and acknowledged he understands the additional time may be excludable time for the purposes of the Speedy Trial Act.

IT IS ORDERED:

Defendant Correa-Gutierrez's motion for an extension of time (Filing No. 36) is granted. Correa-Gutierrez is given until **on or before November 17, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 17, 2008 and November 17, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge